

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office..... AUG 02 1991

Returned to applicant for correction..... AUG 21 1991

Corrected application filed..... Map filed..... SEP 26 1991

The applicant Elizabeth Mandell & The Estate of Clarence Heller (as successors in interest to Clara Hellman Heller)

645 Lakeshore Boulevard of Incline Village
Street and No. or P.O. Box No. City or Town

Nevada 89450 hereby make... application for permission to change the
State and Zip Code No.
place of use

Point of diversion, manner of use, and/or place of use
of water heretofore appropriated under Permit #14459 Certificate Record No. 3966, Book 12;
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and
Page 3966 dated November 2 1953, granted in the name of Clara Hellman Heller.
Identify right in Decree.

1. The source of water is..... Second Creek in Incline Village
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed..... (0.02 cfs)
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for..... irrigation and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for..... irrigation and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point..... NE 1/4 SE 1/4 Sec. 17, T.16N., R.18E., M.D.B.&M.
Describe as being within a 40-acre subdivision of public survey and by course and
or at point from which the E 1/4 corner of said Section 17 bears N. 26° 33'
distance to a section corner. If on unsurveyed land, it should be stated.
E, 760.7 feet. (as in original deed).

6. The existing permitted point of diversion is located within.....
If point of diversion is not changed, do not answer.

7. Proposed place of use..... 0.275 ac± on each of four parcels (AP No. 122-100-03,04,05,06)
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
located as shown in attached drawing. Note all parcels are a part of the original property to which the right
of use was originally granted. .145 acres parcel A, in Lot IV Section 17 .825
acres total of .130 acres parcel A, in Lot I Section 16 Parcels B,C & D in Lot
I in Section 16

8. Existing place of use..... 1.1 ac in Lot 1 Section 16 T16N, R18E. M.D.B.&M.
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from..... Jan. 1 to..... Dec 31..... of each year.
Month and Day Month and Day

10. Use was permitted from..... Jan. 1 to..... Dec 31..... of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
small rock or concrete dam in Second Creek will divert water into an 8" dia pipe
specifications of your diversion or storage works.) leading to a redwood or concrete filtering box
at the existing location. Water will then be State manner in which water is to be diverted, i.e. diversion structure,
pumped to a sprinkler system on the four parcels via a 2" dia PVC pipe with
electronic control meters at the four tapping points needed to serve the amended
ditches, pipes and flumes, or drilled well, etc.
points of use.

12. Estimated cost of works..... Cost... \$6,500.00±

13. Estimated time required to construct works..... 2 years from date of issuance

14. Estimated time required to complete the application of water to beneficial use 2 years
15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Document is attached that demonstrates that the present owners are the
rightful successors in interest to the original water right granted to Clara
Hellman Heller in 1953. 13,000 GPD from June 1 to September 15 each year
50 GPD per capita September 15 to May 30

By s/Norman Gilroy
Norman Gilroy, agent for owners,
Box 395 Sausalito, CA 94966

Compared bc/bc ap/se

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the manner and place of use of the waters of Second Creek as heretofore granted under Permit 14459, Certificate 3966 is issued subject to the terms and conditions imposed in said Permit 14459, Certificate 3966 and with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State reserves the right to regulate the use of the water under this proposed change at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.02 cubic feet per second, but shall not exceed 4.47 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before August 25, 1993

Proof of completion of work shall be filed before September 25, 1993

Application of water to beneficial use shall be made on or before August 25, 1995

Proof of the application of water to beneficial use shall be filed on or before September 25, 1995

Map in support of proof of beneficial use shall be filed on or before September 25, 1995

Completion of work filed NOV 21 1997

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Abrogated By 65751 0.02

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 25th day of August,

A.D. 19 92

R. Michael Turnipseed
State Engineer